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Tempe City Council  
April 3, 2008

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Ellis
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Hutson
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – March 20, 2008
    2. Council's Issue Review Session – March 20, 2008 [20080403clrkck04.pdf](#)
    3. Council's Formal Meeting – March 20, 2008 [20080403clrkck02.pdf](#)
    4. Council's Special Budget Session – March 20, 2008 [20080403clrkck03.pdf](#)
    - 4a. Council's Finance, Economy & Veterans Affairs Committee – March 18, 2008 [20080403feva01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    5. Aviation Commission – January 8 and February 19, 2008 [20080403tavco02.pdf](#) [20080403tavco01.pdf](#)
    6. Commission on Disability Concerns – Architectural Compliance Committee – March 4, 2008 [20080403cdc01.pdf](#)
    7. Committee for Youth, Families & Community, February 25, 2008 [20080403cyfc01.pdf](#)
    8. Enhanced Services Commission – February 13, 2008 [20080403esc01.pdf](#)
    9. Historic Preservation Commission – February 14, 2008 [20080403hpc01.pdf](#)
    10. Human Relations Commission – February 12, 2008 [20080403hrc01.pdf](#)
    11. Mayor's Youth Advisory Commission – March 4, 2008 [20080403myac01.pdf](#)
    12. Municipal Arts Commission – February 13, 2008 [20080403mac02.pdf](#)
    13. Municipal Arts Commission – Public Art/Art in Private Development Committee – February 26, 2008 [20080403mac01.pdf](#)
    14. Transportation Commission – January 8, 2008 [20080403tc01.pdf](#)
    15. Transportation Commission – Multi-modal Planning & Project Review Committee – January 9, 2008 [20080403tc02.pdf](#)
    - 15a. Transportation Commission – Public Involvement/Marketing Committee – January 7, 2008 [20080403tc03.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
  - Cesar Chavez Coloring Contest
- B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

##### A. Miscellaneous Items

- 16. Request approval of the reappointment of Presiding Judge Louraine C. Arkfeld for a four-year term.

**DOCUMENT NAME:** [20080403ccms01.pdf](#) **COURT ADMINISTRATION (0501-02)**

- \*17. This is a public hearing for GERDES RESIDENCE, to eliminate previous conditions of approval to allow a replat of one existing lot into two at 8404 South Kachina Drive.

**COMMENTS:** (CC060020/PL080065) (Michael and Diane Gerdes, property owners/applicant) to eliminate the described conditions of approval from the City Council decision on June 29, 1978, in order to allow the subdivision of one existing lot into two, located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District, eliminating the following:

Case Z-78.5 Ordinance No. 808.57, Zoning Request Conditions

#3 Lots on the western boundary shall be a minimum of  $\frac{3}{4}$  acre in gross lot area.

#5 The zoning of this parcel is contingent on the preliminary subdivision and limited to no more than 192 lots on the 81.6 acre site.

Case S-78.17, Final Subdivision Map – Estate La Colina Condition

#5 Of the total 88 lots in Phase I, the lots on the western boundary shall be a minimum of one acre in gross lot area.

**DOCUMENT NAME:**     [20080403dsrl03.pdf](#)     **PLANNED**     **DEVELOPMENT**  
**(0406)**

18. Request approval for a Final Subdivision Plat for CAMPUS EDGE located at 922 East Apache Boulevard.

**COMMENTS:**     (PL070224) (Nelson Companies 2, LLC., owner; Site Consultants Inc., applicant) for a mixed-use project for residential and commercial space on 1.50 acres, located at 922 East Apache Boulevard, in the MU-4, Mixed Use High Density District, Transportation Overlay and Planned Area Development Overlay. The request includes the following:

**SBD07021** – Final Subdivision Plat for one lot on 1.5 net acres.

**DOCUMENT NAME:**     [20080403dsrl02.pdf](#)     **PLANNED**     **DEVELOPMENT**  
**(0406)**

- \*19. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for PJRC LLC dba Great Steak & Potato, 2000 East Rio Salado Parkway, #1215.

**COMMENTS:**     Joseph Kim is the Agent for this application.

**DOCUMENT NAME:**     [20080403LIQ01.pdf](#)     **LIQ LIC (0210-02)**

- \*20. This is a public hearing to recommend the approval of a Series 9 Liquor Store License for CVS EGL Broadway Tempe AZ LLC dba CVS Pharmacy #9205, 802 South Mill Avenue.

**COMMENTS:**     Jason Morris is the Agent for this application.

**DOCUMENT NAME:**     [20080403LIQ02.pdf](#)     **LIQ LIC (0210-02)**

- \*21. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for RA & Abby Inc., dba Thirsty Dog, 15 West 5<sup>th</sup> Street.

**COMMENTS:**     Gil Schmitt is the Agent for this application.

**DOCUMENT NAME:**     [20080403LIQ03.pdf](#)     **LIQ LIC (0210-02)**

- \*22. This is a public hearing to recommend the approval of a Series 4 Wholesaler's Liquor License for Los Diablos International Inc., 2123 South Priest Drive, #205.

**COMMENTS:**     Saulo Katcher is the Agent for this application.

**DOCUMENT NAME:**     [20080403LIQ04.pdf](#)     **LIQ LIC (0210-02)**

**B. Award of Bids/Contracts**

23. Request approval of a professional services contract with Aqua Engineering, Inc., for design of a new sprinkler system for Kiwanis Park.

COMMENTS: Total cost for this contract shall not to exceed \$274,856.  
DOCUMENT NAME: [20080403PWDR03.pdf](#) KIWANIS COMMUNITY PARK  
(0706-25) PROJECT NO. 6303091

24. Request approval of a professional services contract with Weddle Gilmore Architects for architectural and exhibit design services for the Tempe Historical Museum.

COMMENTS: Total cost for this contract shall not to exceed \$662,420.  
DOCUMENT NAME: [20080403PWDR04.pdf](#) HISTORICAL MUSEUM (0705-04) PROJECT NO. 6702481

25. Request approval of a professional services contract with Vollmer & Associates for landscape design at the City Hall Parking Garage.

COMMENTS: Total cost for this contract shall not to exceed \$138,135.  
DOCUMENT NAME: [20080403PWDR05.pdf](#) PARKING (0503-19) PROJECT NO. 6702971

26. Request to award a two-year contract to Aquatic Environmental Systems, Inc for calcium hypochlorite for City pools and an ultraviolet water treatment system, for the Cox Splash Playground to sanitize and treat the water; and authorize the transfer of \$25,000 from the Rio Salado Fund balance.

COMMENTS: (IFB #08-114) Total cost for this contract shall not exceed \$65,000 during the initial contract period.  
DOCUMENT NAME: [20080403fslq03.pdf](#) PURCHASES (1004-01)

27. Request approval of a professional services contract addendum with Wilson Engineers for additional design services for the Tempe Beach Park restrooms.

COMMENTS: Total cost for this contract addendum is \$76,264. Approval of this addendum will increase the amount of the original contract from \$44,500 to \$120,764.  
DOCUMENT NAME: [20080403PWDR07.pdf](#) TEMPE BEACH PARK (0706-38) PROJECT NO. 6501755

- 28.** Request approval to increase the construction change order contingency for Curry Road Water Main Upgrades from Scottsdale Road to Stadem Drive.

COMMENTS: Increase the construction change order contingency by **\$126,000**. Council has previously approved two contingency increases totaling \$325,000. This request will increase the **original change order contingency from \$200,000 to \$651,000**.  
DOCUMENT NAME: [20080403PWDR06.pdf](#) WATERMAIN UPGRADES (0810-04) PROJECT NO. 3200031

29. Request approval to increase the contract amount with PSI Group, Inc., for pre-sort mailing services.

**COMMENTS:** (T06-049-01) Increase in the amount of \$240,000 from \$70,000 to \$310,000.

**DOCUMENT NAME:** [20080403fsta06.pdf](#) **PURCHASES (1004-01)**

30. Request approval of one-year contract renewals with Dave Bang Associates, Inc., and Miracle Playground Sales Southwest for playground play structures for City parks.

**COMMENTS:** (T06-099-01 and T06-099-02) Total amount not to exceed \$150,000.

**DOCUMENT NAME:** [20080403fslq01.pdf](#) **PURCHASES (1004-01)**

31. Request approval of a one-year renewal of a contract with United Fire Equipment Company for the purchase and repair of turnout clothing for the Fire Department.

**COMMENTS:** (T07-001-01) Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20080403fslq02.pdf](#) **PURCHASES (1004-01)**

32. Request approval of a one-year renewal of a contract with Arizona Foundation for Medical Care for preferred provider organization network access for eligible City employees, dependents and retirees.

**COMMENTS:** (T01-053-01) Total amount not to exceed \$290,000

**DOCUMENT NAME:** [20080403fsta04.pdf](#) **PURCHASES (1004-01)**

33. Request approval of a one-year renewal of a contract with Contact Behavioral Health Services for an employee assistance program for all eligible City employees.

**COMMENTS:** (T05-061-01) Total amount not to exceed \$50,000.

**DOCUMENT NAME:** [20080403fsta07.pdf](#) **PURCHASES (1004-01)**

34. Request approval to utilize a City of Chandler contract with Metering Services, Inc. for water meter calibration, maintenance, and repair services.

**COMMENTS:** (WD6-936-2251-01) Total cost of this contract shall not exceed \$80,000.

**DOCUMENT NAME:** [20080403fst05.pdf](#) **PURCHASES (1004-01)**

35. Request approval to utilize a two-year City of Mesa contract with Rehrig Pacific Company for residential refuse and recycling containers.

**COMMENTS:** (Contract #2007201) Total cost of this contract shall not exceed \$250,000.

DOCUMENT NAME: [20080403fsta08.pdf](#) PURCHASES (1004-01)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*36. This is the **introduction and first public hearing** for a Planned Area Development Overlay for M7 MIXED USE DEVELOPMENT located at 701 South Mill Avenue. **The second public hearing is scheduled for April 17, 2008.**

**COMMENTS:** (PL060681) (Mario Sanchez, Tempe Mill LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of a mixed-use development for three buildings, including ground floor commercial, a seventeen story hotel with conference center, two twenty-six story residential towers, and underground parking, within approximately 1,258,000 s.f. of total building on 1.73 acres, located at 701 South Mill Avenue in the CC, City Center District and in the Transportation Overlay. The request includes the following:

**PAD07004 – (Ordinance No. 2008.12)** Planned Area Development Overlay to modify development standards to allow a building height increase from 50' to 195' for the hotel building and 306' for two residential buildings; and a reduction in the TOD required parking from 1,618 to 1,129 spaces.

**DOCUMENT NAME:** [20080403dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*37. This is the **introduction and first public hearing** for a Planned Area Development Overlay for 800 WEST. **The second public hearing is scheduled for April, 17, 2008.**

**COMMENTS:** Request for 800 WEST (PL070513) (Nancy Hawkes, Articulate Urban Homes, LLC, owner and applicant) for a Planned Area Development Overlay and a Development Plan Review for four townhouses on approximately 0.24 net acres, located at 800 West University Drive in the R-4, Multi-Family Residential General District. The request includes the following:

**PAD07029 – (Ordinance 2007.86)** Planned Area Development Overlay to modify development standards for four residential units on individual lots on an overall +/- 0.24 net acre site, including the following: reduction in minimum individual lot area from 1,740 sf to 1,366 sf, increase in maximum individual lot coverage from 60 % to 64 %, reduction in individual lot setbacks from 20 ft to 0 ft (front), from 10 ft to 0 ft (side) and from 10 ft to 7 ft (rear)

**DOCUMENT NAME:** [20080403dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*38. This is the **second public hearing** to abandon a Public Utility Easement at 802 S. Mill Avenue.

DOCUMENT NAME: [20080403PWCH01.pdf](#) ABANDONMENT (0901)  
ORDINANCE NO. 2008.11

- \*39. This is the **second public hearing** to adopt an ordinance to amend language relating to the requirements for placement of overhead utility lines underground.

DOCUMENT NAME: [20080403PWWS02.pdf](#) PLANNING AND  
DEVELOPMENT (0503-25) ORDINANCE NO. 2008.13

- \*40. This is the **second public hearing** to amend Chapter 13A of the Tempe City Code, relating to Environmental Programs and Standards by adding new Section 13A-7 relating to Fireplace Use Restrictions; adding new Article II relating to Outdoor Fires; adding new Article III relating to Dust Control; and **establishing the existence of an emergency**.

DOCUMENT NAME: [20080403cacc01.pdf](#) TCC 13A – ENVIRONMENTAL  
PROGRAMS & STANDARDS ORDINANCE NO. 2008.14

#### E. Resolutions

41. Request approval of a resolution establishing the polling places and districts for the May 20, 2008, General Election.

DOCUMENT NAME: [20080403clrkck01.pdf](#) GENERAL ELECTION – MAY  
20, 2008 (0506-31-02) RESOLUTION NO. 2008.25

42. Request approval of a resolution approving and authorizing the installation of a plaque or similar monument in honor of Michael Franjevic at or near the Country Club Way pedestrian bridge.

DOCUMENT NAME: [20080403prmr01.pdf](#) PARKS ADMIN (0706-10)  
RESOLUTION NO. 2008.28.

#### 6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed. Comments are aired live and replayed on Tempe Channel 11.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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